

JAN 24 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IBIS ZAMUDIO-GOMEZ,

Defendant - Appellant.

No. 07-30052

D.C. No. CR-03-00056-RFC

MEMORANDUM\*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IBIS ZAMUDIO-GOMEZ,

Defendant - Appellant.

No. 07-30053

D.C. No. CR-03-00057-RFC

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Ibis Zamudio-Gomez appeals from the 138-month sentence imposed following his conviction on twelve counts, all in violation of 18 U.S.C. § 2, 21 U.S.C. § 841(a)(1), and 21 U.S.C. § 846. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Zamudio-Gomez contends that the district court's denial of a three- or four-level downward adjustment for his role in the offense was clearly erroneous. We disagree and conclude that the district court did not clearly err in declining to apply more than a two-level downward adjustment. *See United States v. Davis*, 36 F.3d 1424, 1436-37 (9th Cir. 1994); *see also* U.S.S.G. § 3B1.2, cmt. n. 3-4.

**AFFIRMED.**

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\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).